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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,207	08/05/2003	Kevin D. McCarthy	748-01-PA	6824
7590	03/29/2004		EXAMINER	
KLEIN, O'NEILL & SINGH Suite 510 2 Park Plaza Irvine, CA 92614			SANTOS, ROBERT G	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/634,207	MCCARTHY, KEVIN D.
Examiner	Art Unit	
Robert G. Santos	3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 05 August 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 7 is objected to because of the following informalities: In line 10, "unti" should be changed to --unit--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, and 5-7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Haller et al. '608 (note especially Figures 8-10; column 3, lines 8-16 & 53-67; and column 4, lines 1-10 & 18-20).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haller et al. '608 in view of Underell '292. Haller et al. '608 lack the use of a pair of straps wherein each

strap has a first end attached to one of the bottom surface sides of the cover and a second end having a fastener thereon, whereby the straps are fastenable together by the fasteners. Underell '292 provides the basic teaching of a cushion (10) provided with a pair of straps (30) wherein each strap has a first end attached to one of the bottom surface sides of the cushion cover (36) and a second end (41) having a fastener thereon (as described in column 4, lines 59-60), whereby the straps are fastenable together by the fasteners (as described in column 4, lines 61-62). The skilled artisan would have found it obvious at the time the invention was made to provide the changing pad of Haller et al. '608 with a pair of straps wherein each strap has a first end attached to one of the bottom surface sides of the cover and a second end having a fastener thereon, whereby the straps are fastenable together by the fasteners in order to facilitate transport of the cushion (see Underell '292, column 3, lines 15-19 and column 4, lines 59-63).

6. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haller et al. '608 in view of Mitchell '567. Haller et al. '608 do not specifically disclose a condition wherein the pad further comprises a sheet of non-skid material on the bottom surface thereof. Mitchell '567 provides the basic teaching of a cushion (2) including a sheet (20) of non-skid material (16) on the bottom surface (14) thereof. The skilled artisan would have found it obvious at the time the invention was made to provide the changing pad of Haller et al. '608 with a sheet of non-skid material on the bottom surface thereof in order to provide a "more stable [support] surface and consequent enhanced safety" (see Mitchell '567, column 2, lines 6-12).

7. Claims 10, 11, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haller et al. '608 in view of Giori et al. '722, and further in view of Wass '169. Haller et al. '608 disclose all of the claimed limitations as recited in claims 10, 11, 14, and 15 except for the particular valve structure recited in claim 10. Giori et al. '722 provide the basic teaching of a cushion having a valve (40) comprising a tubular body (46) extending from an inner end inside the cushion cover (26) to an outer portion extending beyond the surface of the cover (as shown in Figure 3) thereby defining a valve passage having an outer opening, and a movable valve cover (44) operably engaging the outer portion of the valve body over the outer opening of the valve passage; moreover, Wass '169 provides the basic teaching of a pressure relief valve (10) comprising a tubular valve body (11) and a movable valve cover (12) operably engaging the valve body, wherein the valve cover includes a plurality of vents (27) that are radially aligned with the outer end of the valve body (as shown in Figure 7). The skilled artisan would have found it obvious at the time the invention was made to provide the changing pad of Haller et al. '608 with a valve comprising a tubular body extending from an inner end inside the cushion cover to an outer portion extending beyond the surface of the cover thereby defining a valve passage having an outer opening, and a movable valve cover operably engaging the outer portion of the valve body over the outer opening of the valve passage, wherein the valve cover includes a plurality of vents that are radially aligned with the outer end of the valve body in order to allow the user to have more precise control over the degree of inflation or deflation of the changing pad while also providing the ability to prevent overinflation of the pad without having to remove fully the valve cover (see Giori et al. '722, column 5, lines 46-65 and Wass '169, column 2, lines 65-67).

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haller et al. '608 in view of Giori et al. '722, and further in view of Wass '169, and further in view of Underell '292. Haller et al. '608, as modified by Giori et al. '722 and as further modified by Wass '169, lack the use of a pair of straps wherein each strap has a first end attached to one of the bottom surface sides of the cover and a second end having a fastener thereon, whereby the straps are fastenable together by the fasteners. Underell '292 provides the basic teaching of a cushion (10) provided with a pair of straps (30) wherein each strap has a first end attached to one of the bottom surface sides of the cushion cover (36) and a second end (41) having a fastener thereon (as described in column 4, lines 59-60), whereby the straps are fastenable together by the fasteners (as described in column 4, lines 61-62). The skilled artisan would have found it obvious at the time the invention was made to provide the changing pad of Haller et al. '608, as modified by Giori et al. '722 and as further modified by Wass '169, with a pair of straps wherein each strap has a first end attached to one of the bottom surface sides of the cover and a second end having a fastener thereon, whereby the straps are fastenable together by the fasteners in order to facilitate transport of the cushion (see Underell '292, column 3, lines 15-19 and column 4, lines 59-63).

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haller et al. '608 in view of Giori et al. '722, and further in view of Wass '169, and further in view of Mitchell '567. Haller et al. '608, as modified by Giori et al. '722 and as further modified by Wass '169, do not specifically disclose a condition wherein the pad further comprises a sheet of non-skid

material on the bottom surface thereof. Mitchell '567 provides the basic teaching of a cushion (2) including a sheet (20) of non-skid material (16) on the bottom surface (14) thereof. The skilled artisan would have found it obvious at the time the invention was made to provide the changing pad of Haller et al. '608, as modified by Giori et al. '722 and as further modified by Wass '169, with a sheet of non-skid material on the bottom surface thereof in order to provide a "more stable [support] surface and consequent enhanced safety" (see Mitchell '567, column 2, lines 6-12).

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McCarthy '254, Rosenberg '172, Swagger, Jr. '605, Swagger, Jr. '053, Rosenberg '394, Madole '624, Stanley et al. '795, Ive '487, Smith '930, Stanley et al. '948, Leslie '625, Behrman '973, Eves '258, Knobeloch '076, Russell '747, Autry '549, Jones-Steele '063, Pugh '809, Gaiser '092, Spies '434, Schutz '297, Cornes '864, Moxley '922, De Puy '700, O'Kane '211, Conner '243, and Kunststoffwerk '124.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (703) 308-7469. The examiner can normally be reached on Tu-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert G. Santos  
Primary Examiner  
Art Unit 3673

R.S.  
March 20, 2004